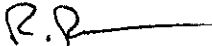


NEW MEXICO ENVIRONMENT DEPARTMENT
CONSTRUCTION PROGRAMS BUREAU

M E M O R A N D U M

TO: Ruidoso Wastewater Treatment Plan File

FROM: Richard P. Rose, Ph.D., P.E., Bureau Chief 

DATE: February 4, 2008

SUBJECT: Public Notice Determination

At the request of the Village of Ruidoso and the City of Ruidoso Downs, NMED has been asked to consider the public notice requirements for an additional hearing on the environmental review of their joint wastewater project. Time is of the essences; considering the EPA permit requirements, the administrative order requiring compliance with more stringent discharge limits, and the Forest Guardian lawsuit; to finalize the plans for treatment and compliance and begin final design work in preparation for construction this summer.

A PER and EID were completed and a hearing was held last year. A modification of the treatment process has been proposed and a supplement to the EID has been prepared to address it, the subject of the proposal additional hearing. The supplemental EID is not a substantial document, and the matters to be addressed are not complex or controversial. The new treatment process will provide a higher level of wastewater treatment and lessen environmental impacts over previous treatment processes that had been proposed. Also, the issues have been under continuous discussion at nearly every council meeting in both communities and widely discussed in the local paper for the past two years.

Given that the supplement to the EID is not a substantial document and the issues are not complex, and considering the past hearing and substantial public discussion of the project, I have determined that a 30 day notice period, pursuant to 40 CFR 25.5 is appropriate and allowable.

cc: Tannis Fox, NMED OGC
Sandy Edens, NMED CPB